



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 24, 2011

Mr. Luke Chesek
Negotiations Legal Specialist
NTEU National Office
1750 H Street, NW
Washington, DC 20006

IN RESPONSE REFER
TO FOIA/PA-2011-0004A
(FOIA/PA-2011-0038)

Dear Mr. Chesek:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated January 28, 2011, to the Freedom of Information Act/Privacy Act Officer, in which you appealed the NRC's response to your November 30, 2010, Freedom of Information Act (FOIA) request for specific information on NRC employees. Specifically, you appealed the NRC's decision to withhold gender, race, handicap code, and employee age from the record.

Acting on your appeal, I have reviewed the record in this case and have determined that the withheld information will continue to be withheld. Therefore, your appeal is denied.

In your letter you state that a union is not barred by Exemption 6 of the FOIA with respect to receiving information regarding gender, race, national origin, disability, age, and date of birth. However, the FOIA does not provide for limited disclosures. Therefore, once there is a disclosure, the information belongs to the general public.

The NRC will continue to deny the withheld portions of the record pursuant to Exemption 6 of the FOIA. The release of this information would constitute a clearly unwarranted invasion of personal privacy. The NRC does not believe there is any public interest in disclosing the gender, race, national origin, disability, age, and date of birth of NRC employees.

This is NRC's final decision. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), judicial review of this decision is available in a district court of the United States in the district in which you reside or have your principal place of business. Judicial review can also be had in the district in which the agency's records are situated or in the District of Columbia.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Ash", written over a horizontal line.

Darren B. Ash
Deputy Executive Director
for Corporate Management
Office of the Executive Director for Operations